

Appl. No.: 10/620,469

Amendment Dated: 6/9/2005

Reply to OA of 12/10/2004

REMARKS

This amendment is responsive to the Action dated December 10th, 2004. With this response claim 3 is withdrawn, while claims 1, 2 and 18 have been amended, as provided above. Support for the amendments can be found in the original specification, claims and/or drawings. In this regard, no new matter has been introduced.

Applicant would like to thank the Examiner for the identification of allowable subject matter in claims 3-5, 9, 10 and 12.

With this response, claims 1, 2, 4-12 and 16-20 as selectively amended remain pending.

Objection re: Claim 18

In paragraph 4 of the Action, the Examiner correctly points out an informality within claim 18. Applicant regrets this oversight and has amended the claim, as above, to overcome the objection. In view of the amendment to claim 18, Applicant respectfully requests that the objection thereto be withdrawn.

§102(b) Rejection of Claims 1,2, 6-8, 11 and 20

In paragraph 5 of the Action, claims 1, 2, 6-8, 11 and 20 were rejected as being anticipated by a patent issued to Ooishi (USP 6,175,532) pursuant to 35 USC §102(b).

In an effort to further prosecution of this matter, Applicant has amended claim 1 per the suggestion of the Examiner. That is, claim 1 is amended to include the salient features of claim 3, which the Examiner has indicated to be allowable.

In view of the amendment, Applicant submits that the basis for rejecting claim 1 has been overcome, and respectfully requests that the rejection thereof be withdrawn.

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Applicant notes that claims 2, 4-11 and 20 depend from patentable base claim 1, as amended. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that such claims are allowable over the cited references by virtue of at least such dependence. Accordingly, Applicant respectfully requests that the objections and/or rejections of claims 2, 4-11 and 20 be withdrawn.

102(b) Rejection of Claims 16-19

In paragraph 5 of the Action, claims 16-19 were rejected as being anticipated by the Ooishi reference. In response, Applicant respectfully traverses the basis for the rejection of such claims.

In particular, Applicant respectfully submits that the Action has failed to establish a prima facie basis for the rejection of, e.g., claim 16. In particular, Applicant is unable to locate any reference to use of a process identifier (PID) within the Ooishi reference.

Anticipation under 35 USC § 102 requires the disclosure in a single prior art reference of each element of the claim under consideration. *See Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

However, it is not enough, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). “The *identical invention* must be shown in as complete detail as is

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contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131 (emphasis added).

Insofar as the citation to the Ooishi reference relied upon fails to anticipate, disclose or suggest the use of a PID, Applicant respectfully submits that the Office has yet to establish a *prima facie* basis for the rejection of claim 16 as originally presented. Accordingly, Applicant respectfully requests that the §102(b) rejection thereof be withdrawn.

Applicant notes that claim 17-19 each depend from patentable base claim 16. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that such claims are similarly patentable by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §102(b) rejection of such claims be withdrawn.

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CONCLUSION

In light of at least the foregoing reasons, Applicant respectfully submits that claims 1, 2, 4-12 and 16-20, as selectively amended, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
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Date: June 9, 2005

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